

I am opposed to mandating additional costs for DTV manufacturers and consumers that may potentially benefit content producers on two principles:

(1) Jurisdiction and (2) Implementation.

#### JURISDICTION:

Mandating additional design and manufacturing costs for the exclusive benefit of protecting third party content providers amounts to a tax that the FCC does not have authority to levy and indirectly transfer. Proponents of content protection hardware mandates in the Broadcast Protection Discussion Subgroup claim that they would be harmed by distribution of high-quality content, and will collectively withhold said content unless adopters of DTV technology pay for their protection. If the proponents derive the benefit, they should bear the burden of the cost. If they are not willing to bear the cost, then neither should innocent consumers.

Furthermore, any participants in the Broadcast Protection Discussion Subgroup that may have conspired, by combination in the form of trust or otherwise, or conspiracy, in restraint of trade of of high-quality A/V content among the several States, or with foreign nations, are in violation of the Sherman Antitrust Act, and such evidence of lawbreaking should be referred to the DOJ for prompt prosecution.

#### IMPLEMENTATION:

If the content can be viewed, it can be copied. In an era when the opportunities for economic expansion are multiplied by the possibilities of home networking and A/V distribution, a copy-code-key has far ranging complexity and cost implications for innocent adopters. Hackers and copyright infringers, simply, in this type of system will use SIMPLER and CHEAPER devices \*WITHOUT\* the additional copy-protection hardware, making law abiding citizens bear an unfair burden.

In short, adding a copy-protect mechanism to an assumed data stream is useless, if at any time in the future the data stream is redirected outside

of protectionist's original assumptions. Consider the old VCR protection scheme where it was assumed that a piece of coax would connect two VCRs to make legal or illegal copies. This coax was replaced by a "copy-guard stripper" black box and the copies continued.

The content providers may indeed have a problem with distribution. In their extreme view of the future, these content providers may entirely go out of business without this protection racket. While this is honestly ludicrous, it is incumbent on the FCC to let the market take its course.

This NPR states, "this Notice seeks comment on whether a regulatory copy protection regime is needed within the limited sphere of digital broadcast television." If there is any love of the language left in Washington, please consider the irony of this statement in the context of the FCC charter. "Protection" for a "BROADCAST." Do not pursue this contradiction!